

February 9, 2011

Dear Members of the House Natural Resources Committee:

Thanks to the internet, I was able to listen to the hearing on HB 393 on Monday. I would like to clarify and provide additional information.

In my case, permanent replacement wells for the same quantity and quality of water I now have would require drilling 13 wells at a depth of about 2400 feet. After the hearing I called Mike Higgins of Higgins Drilling in Miles City to verify the cost. Mike said there is not a water well drilling rig in Eastern Montana that can drill down 2400 feet. He said that depth would require a small oil and gas drilling rig. Depending on the size of the casing and cementing costs, a rig capable of drilling to that depth would cost between \$150,000.00 to \$200,000.00 per well. And I would still lose my invaluable senior water right, that in turn adds significant value to my land. New wells would have a new, junior priority date.

The information about one of the farmers causing flooding and damage to his own field is incorrect. The flooding was caused by a poorly redesigned State Highway change that altered the drainage pattern in the T&Y irrigation district.

During closing on the bill, it was mentioned that a field was damaged due to over irrigating it—to flooding it. That is incorrect. Dr Jim Bauder, now a retired professor of soil science at MSU, was hired by DEQ to inspect the damaged field and try to determine the cause of the damage. The investigation was inconclusive (which of course is the problem—apportioning the damage in these cases is difficult at best). But there was no finding that flooding the field caused salt accumulations. Quite the opposite is true. These fields need sufficient water to leach the salts out—a leaching fraction is used to determine the amount of water necessary to flush salts from the soils based on

different soil characteristics, water quality, and rainfall. That is one of the problems with turning to sprinkler irrigation to conserve water. We can't apply enough water with sprinklers to leach the salts out of the soil. But the whole discussion about flooding fields and casting blame was not even addressing the bill.

Rep. McChesney mentioned that as member of the Interim Water Committee he asked several members of the Tongue River Water Users if they were still irrigating from the Tongue. I was one of those people, and was told to answer "yes or no." My answer was "yes." The truth is that I have no choice but to irrigate. The Tongue River is going through the adjudication process and every water right is being highly scrutinized. Any nonuse of my water rights would be considered abandonment of that water right and it would be challenged in court. In order to preserve my water rights I am forced to irrigate with water the quality of which is being degraded by millions of tons of additional salts each year from CBM discharges to the Tongue River.

HB 393 will never compensate for the long-term damage Montana Ranchers are facing for short-term economic gains.

If you have any questions that I can help with please feel free to call me at 406-984-6260

Sincerely,

Art Hayes Jr.